

## REMARKS

### **I. Status of the Claims**

Claims 1-20 are currently pending in the Application. Claims 1 and 12 are in independent format. Applicant has amended independent claims 1 and 12 herein.

The present Response is intended to be fully responsive to the rejections raised by the Examiner and is believed to place the application in condition for allowance. Further, Applicant does not concede any of the Examiner's comments not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

### **II. Claim Amendments**

Applicant has herein amended independent claims 1 and 12 so that each claimed embodiment includes: a set of data comprising a plurality of records, wherein each record includes at least the following fields: (i) a data reference, (ii) location information, and (iii) device capability information, such that each data reference is correlated with both location information and device capability information, and wherein each data reference points to respective data.

### **III. Responses to Section 103(a) Rejections**

The Examiner rejected claims 1-4, 6-9, 11-14, 16-17, and 19-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent App. Pub. No. 2003/0060211A1 granted to Chern et al. ("Chern") in view of U.S. Patent No. 6,970,548 granted to Pines et al. ("Pines"). The Examiner also rejected claims 5, 10, 15, and 18 under section 103(a) as being allegedly unpatentable over Chern in view of Pines and further in view of U.S. Patent No. 6,970,548

granted to Rossman. In order to establish a *prima facie* case of obviousness over a combination of references, the combination must teach or suggest all of the claim limitations. M.P.E.P. § 2143; *In re Royka*, 490 F.2d 981 (CCPA 1974). In this case, Applicant respectfully submits that the combination of Chern and Pines does not teach or suggest all of the limitations of either independent claim 1 or 12. Accordingly, the combination also fails to teach or suggest all of the limitations of any of dependent claims 2-11 and 13-20.

At a minimum, Applicant respectfully submits that the combination of Chern and Pines fails to teach or suggest Applicant's amended claim element: "a set of data comprising a plurality of records, wherein each record includes at least the following fields: (i) a data reference, (ii) location information, and (iii) device capability information, such that each data reference is correlated with both location information and device capability information, and wherein each data reference points to respective data." In particular, Applicant's claim amendments further define Applicant's recited "data set," as suggested by the Examiner. *See* Office Action, June 21, 2007, at 9 ("[A]pplicant's claims 1 and 12 fail to further define what 'a set of data' [is]."). In Applicant's amended independent claims, Applicant has clarified even further that each recited data set includes a plurality of records, and that each record includes at least three specific items (or fields): (i) a data reference, (ii) location information, and (iii) device capability information. In such a way, each record of the data set includes a data reference that is correlated with both location information and device capability information.

Applicant provided an example of such a data set in Figure 8 of Applicant's specification, reproduced below:

Device Location	Data Reference	Data Size	Data Provider	Device Requirement
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider1.com/picture1.gif	1MB	provider1	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider2.com/picture1.gif	1MB	provider2	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider2.com/picture2.gif	2MB	provider2	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider2.com/picture1.gif	1MB	provider2	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider2.com/picture2.gif	2MB	provider2	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider1.com/picture1.gif	1MB	provider1	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider1.com/picture2.gif	2 MB	provider1	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 1$	www.provider1.com/picture2.gif	2 MB	provider1	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider1.com/picture1.gif	1MB	provider1	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider1.com/picture2.gif	2 MB	provider1	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider1.com/picture1.gif	1MB	provider1	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider2.com/picture2.gif	2MB	provider2	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider1.com/picture2.gif	2 MB	provider1	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider2.com/picture1.gif	1MB	provider2	must have color screen
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider2.com/picture1.gif	1MB	provider2	must have 16 MB memory
$(x+1)^2 + (y+1)^2 + (z+1)^2 = 4$	www.provider2.com/picture2.gif	2MB	provider2	must have color screen

Figure 8

As can be seen from Figure 8, each record in Applicant's recited data set includes a location field, a data reference field, and a device capabilities (or requirements) field. In this way, each record correlates each data reference with not only location requirements for a device, but also with device capability requirements. Applicant respectfully submits that even if Pines is combined with Chern, the combination still fails to teach, at a minimum, a data set in which each data reference is correlated with device capability information. *See* Office Action, June 21, 2007 at 9 ("Pines does indeed teach a set of data that correlates data references with device capability information (see column 26, lines 31-53).").

As examples, Applicant respectfully submits that Pines does not teach (i) a data set, as recited in Applicant's claims; (ii) a data reference that points to respective data, as recited in Applicant's claims; or (iii) a correlation between a data reference and device capability information, as recited in Applicant's claims. Therefore, the combination of Chern and Pines does not include a data set in which each data reference is correlated with device capability information. In particular, instead of including a data set with a plurality of records as recited in Applicant's amended claims, Pines, at best, teaches use of a data packet to indicate "device

capabilities.” Pines, col. 26, lines 33-37. Then if the system in Pines determines voice format is available, it then records a caller’s name and sends a pre-announcement. Pines, col. 26, lines 31-42. Thus, in Pines, there is no teaching of a data reference that points to respective data as recited in Applicant’s claims. Because Pines fails to teach both a data set and a data reference that points to respective data, Pines, therefore, cannot teach a set of data that correlates data references with device capability information, and this recitation is still missing even if Pines is combined with Chern. Applicant therefore respectfully submits that independent claims 1 and 12 are allowable.

Applicant respectfully submits that the Examiner has not established the requisite *prima facie* case of obviousness of Applicant’s independent claims 1 and 12, for the reasons discussed above. Without addressing the merits of the Examiner’s statements regarding the pending dependent claims 2-11 and 13-20, which are not conceded, Applicant points out that these claims depend from and include all of the limitations of claims 1 and 12. Therefore, Applicant’s dependent claims distinguish over the cited references for the same reasons discussed above with regard to independent claims 1 and 12. Applicant respectfully submits that the Examiner has not established the requisite *prima facie* case of obviousness of the pending dependent claims.

## CONCLUSION

In light of the above amendments and remarks, Applicant submits that the present application is in condition for allowance and respectfully requests notice to this effect. The Examiner is requested to contact Applicant's representative below at (312) 913-0001 if any questions arise or if he may be of assistance to the Examiner.

Respectfully submitted,

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